



**Bylaw Committee  
MINUTES**

2010 - 2011 # 2

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**Date:** *May 11, 2011*

**Time:** *5:06 PM*

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**In Attendance:**

***Woods, Iskandar, Sunar, MacGillivray (Gould), Eslinger 5:09 PM, Johnson 5:11 PM, Fehr 5:15PM***

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**Excused Absence:**

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**Others in Attendance:**

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**1. CALL TO  
ORDER:**

The meeting was called to order by *Woods* at *5:06 PM*.

**2. APPROVAL OF  
AGENDA**

*Sunar* moved that the *May 11, 2011* agenda be approved as *tabled*.  
Seconded by *MacGillivray*.

Vote on Motion 4/0/0  
**CARRIED.**

**3. APPROVAL OF  
MINUTES**

*NA*

**4.  
ANNOUNCEMENTS**

**5. REVIEW OF  
ACTION ITEMS**

**6. OLD BUSINESS**

*NA*

**7. NEW BUSINESS**

*Sunar*: Bylaw 6000 numbering from 3-6-8-9  
Motion to change numbering to appropriate sequence  
Seconded by *MacGillivray* 5/0/0  
Motion: Carried

**8. DISCUSSION AND  
INFORMATION  
ITEMS**

Woods: Lets move onto the discussion on Impeachment

Woods: Any thoughts on the document?

Johnson: Just for councilors and executive, or just executive?

Woods: Executive feels it should have councilors included

Iskandar: I disagree with that. Including councilors was talked about it last year, it would be hard for students from one faculty making their voice about impeachment for another faculty. Discussion for councilors should be completely different than the executive. SU are student elected, the executive are different.

Woods: The process for impeaching councilors should be there, but it should be different?

Iskandar: Yes, it should be there, but different.

Woods: Anybody with other ideas bout impeaching councilors

Andrew: Student engagement with councilors so low, I can't imagine students being able to remove councilor. Maybe have something more automatic: if you don't come to enough meetings you're automatically removed.

Woods: It would work if we had a bylaw that if we don't show up to enough meeting you will be removed. But a councilor not performing well would be different.

Johnson: We talked last year about shaming the councilors into coming to meetings. Talk to the head and then try to shame them into coming. Sometimes there are extenuating circumstances for reasons why people miss a meeting.

Woods: always going to be reasonable excuses. But there is also negligence.

MacGillivray: ICE has excused and non-excused absences; therefore, if they are non-excused those ones would cause issues.

Woods: That's a good idea. We have to decide what constitutes and excused absence, and have a long meeting to discuss it.

Iskandar: There will always be crazy situations that come up and then the speaker will have to decide if they should be excused. Not everything will be listed.

Fehr: How many can be excused even if they have a hard time?

Woods: Something that says, "You're not benefiting the council, sorry for your troubles..."

Iskandar: Right now if a councilor resigns the person with the next highest number of votes takes their spot on the council.

Woods: If it is a good person, you could motion to remove them without impeachment.

Johnson: Would it be brought to council? Shamed in meetings?

Iskandar: We can get into troubles for shaming people in public.

Woods: These people we are discussing have done nothing wrong, so we do not want to shame them. You would have days of notice and a certain amount of council to agree on it.

Sunar: Is there also a time that it is unbeneficial to appoint somebody to council? As in there is 2 months left in council.

Iskandar: There should be a time limit on when we can call election. For example, there is no reason to spend money on an election if there are only 2 council meetings left.

Woods: In regards to councilor impeachment, any other issues or reasons why to get rid of them - beside negligence and attendance?

Iskandar: Last meeting was the first time the council has tried to do anything for attendance, and we should wait to see if it is working. We should wait for at least a month.

Iskandar: The current discussed shame factor: miss 2 councilor meetings in a row, and the faculty association will be contacted. Someone from the faculty association will email to indicate the councilor has missed two meetings and offer to help them find proxies, to help them out.

Fehr: What about behaviour? We should discuss this while we are here?

Woods: Yes, there has to be consequences of some kind. With bylaw we want to make sure they are following the rules.

Vanes: Is there something if you miss 2 meetings, then make one, and then miss two more... would there be any recourse for this?

Iskandar: You just get another email after the next two missed meetings.

Johnson: It is a good idea to ask faculty association about proxies, I know in Education everybody is so busy, I have never been able to find a proxy. The association having a list of proxies will be very beneficial. People look on Facebook for them, but people do not always have the SU as a Facebook friend.

Woods: That is a great idea for proxy pools because it is very busy. A lot of people have mentioned that we should include councilors impeachment in this, lets worry about executive now. It will be a long process, because we have to go through lawyers, as it is people's jobs that we are affecting. After this meeting, I will send you this entire document on impeachment and then we can work on it.

Is one-third a good meeting?

Johnson: No that is too low, it should be two thirds.

Woods: I agree, I think that is too low.

Iskandar: That is not to pass;  $1/3^{\text{rd}}$  is just to start the motion.

Johnson: That should be clarified in the bylaw.

Woods: So  $1/3$  is just to start...

Iskandar: To start a petition is  $1/3$

Woods: Ok. Is there anything you heard that did not make sense that we can tweak?

Sunar: Timeline need to be clarified, can you read it again please?

Woods: *reads impeachment form*

Fehr: Was this carried over from last year?

Woods: Yes it is from *James Eastman* he wrote it up last year.

Woods: We need to clarify what (DIE should be written in long form) DIE Board should be doing and what their weight is on issues, can they pass something on their own or just refer us to reconsider the issue? How much power should they have?

Johnson: What do they do?

Woods: They rule whenever there has been a breach of bylaw, especially when it is controversial, they can be brought in. Like the issues with Yamagushi

earlier this year...

Iskandar: They are our court and very professional.

Johnson: And they only meet when there is a disaster?

Woods: Why should we not have outside students involved in the law making processes of the University? Should we allow them to have a say in the motions?

Iskandar: DIE Board is another measure to make sure council is not making hasty decisions. They will not look into anything personal. Councilor could see to the impeachments, but DIE Board should be making sure that councilors are following the bylaw.

Woods: DIE Board is not within our legislation so we should have faith in the Board. We need to assume they will do the best of their ability because that is their job. They are there for a reason.

Sunar: Instead of it saying the motion goes to DIE Board, it should be a motion for the accused. They can appeal to DIE Board to overturn the decision.

Iskandar said a decision that DIE Board makes can be appealed and the process would be too lengthy. Instead of: After a second reading the case goes to DIE Board, maybe it should say the person can appeal to DIE Board.

Woods: First reading, second reading, then to DIE Board automatically, OR first reading, second reading and optional appeal to DIE Board?

Iskandar: There is good reason for the process to be lengthy. The reason is, it is always better to have a resignation from a person than an impeachment. I think having DIE Board involved in the process is a good idea. If the accused actually did the severe things, I would expect them to resign.

Sunar: After hearing that I agree with Iskandar.

Eslinger: I believe they should be involved at the end. Problem is you are not going to judge if they did a good job or not, but if they want just cause then they will have to judge our evidence.

Iskandar: What I meant was that they are a separate, unbiased mind.

Johnson: Who makes up the DIE Board?

Iskandar: People apply, usually law students. We can call on them anytime. We have called them at 8 PM and they have showed up. If it is 11 PM, for example, they may meet first thing in the morning.

Johnson: I do think they should be involved, I like the idea of giving the executive member the chance to defend. Even though it may be that they are not doing a good job we should give them a voice.

MacGillivray: I agree with the common consensus.

Fehr: I do not know why we need a DIE Board. I like the option that it is an option. If the person decides they want to go to DIE Board then they can, but shouldn't have to.

Sunar: If they don't want to go to DIE Board, they can resign before it gets there.

Woods: We should be like the federal government, and have processes as close to theirs as possible. General consensus that the DIE Board should be part of the process. Do you feel like the DIE Board should be part, at the end? Or after the 1<sup>st</sup> and 2<sup>nd</sup> meeting. Should they have the power to overturn our decisions?

Johnson: Iskandar, can we appeal anything they decide?

Iskandar: Yes.

MacGillivray: I think it is important to have the DIE Board be able to overturn our decisions. It splits power.

Woods: So the motion to impeach will take 1/3 in votes, which will go to the petition, 1<sup>st</sup> reading needs 2/3 votes to pass, second reading needs 2/3 votes to pass, and then it will go to DIE Board. With that we have a good amount of discussion in!

Please take time to comb through mistakes and email me with concerns and your solutions, then bring it forward to the committee. I will send an original copy of the impeachment form and one with edits from today, so you will all have both.

Iskandar: One thing, if we have a council on Tuesday, and it passes on 1<sup>st</sup> reading, can we call emergency meeting on Wednesday?

Woods: Sticky issue, because if we have an executive not fulfilling duties we will want to remove them as soon as possible.

Iskandar: But, having the meetings too close nullifies the need for 2 meetings, and it should be at least a week in between.

Eslinger: There should be discussion in between?

Iskandar: Yeah, to ensure hasty emotions are not the only reason for the petition.

Woods: How would it work? 1<sup>st</sup> passed, presentation by accused, 2<sup>nd</sup> reading?

Iskandar: Presentation before first reading.

Johnson: Iskandar is right, they should have a chance to defend before they are negatively affected emotionally by a bad first reading, which is best.

Woods: Moving on to confirmation of next meeting date. Any issues with Wednesdays at 6pm? Wednesday, May 25<sup>th</sup> at 6pm?

Iskandar: With how council is set up on Tuesdays it would make us be off council schedule.

Woods: How about Wednesday May 18<sup>th</sup>?

Johnson: Also, can we make a proxy pool?

Woods: I will get the process started. I will take it to CAC.

## **9. REPORTS**

## **10. CLOSED SESSION**

## **11. NEXT MEETING** Johnson moved that the next meeting be held on Wednesday May 18, 6pm. Seconded by Iskandar.

Vote on Motion 7/0/0  
*CARRIED.*

## **12. ADJOURNMENT** *Sunar* moved that the meeting be adjourned. The motion was seconded by *Fehr*

Vote on Motion 7/0/0  
*CARRIED.*

Meeting adjourned at 5:56PM.